IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 28TH NOVEMBER 2007 / 7TH AGRAHAYANA 1929

WP(C).No. 27065 of 2007(V)

PETITIONER:

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1. RAVINDRANATH,
   HC, 1281, NOW WORKING AS H.C PATHANAMTHITTA
   POLICE STATION, THENGUVILA VEEDU, AYIRAKUZHY PO,
   CHITHRA (VIA), KOLLAM.

2. VIJAYAN PILLAI.P.K.,
   HC, 1264, NOW WORKING AS A.C PATHANAMTHITTA
   POLICE STATION, THAKADI PEADIKOYUIL,
   RANNI, PERUNAD P.O., PATHANAMTHITTA DISTRICT.

BY ADV. SRI.PHILIP M.VARUGHESE

RESPONDENTS:

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1. STATE OF KERALA, REP.BY THE PRINCIPAL
   SECRETARY, HOME DEPARTMENT, SECRETARIAT,
   THIRUVANANTHAPURAM.

2. DIRECTOR GENERAL OF POLICE,
   THIRUVANANTHAPURAM.

3. SUPERINTENDENT OF POLICE,
   PATHANAMTHITTA.

BY GOVERNMENT PLEADER SRI.BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI,J.

W.P (C) No. 27065 of 2007

Dated this the 28th November, 2007

J U D G M E N T

Petitioners were enlisted as Police Constables in the A.R Camp, Kozhikode. Thereafter they were transferred to Pathanamthitta District from where they were transferred to Local Police in Pathanamthitta District itself. By Exhibit-P1 proceedings they were promoted and designated as Head Constables. According to the petitioners, Exhibit-P1 was in consequence of Exhibit-P2 Government Order. Essentially therefore, they were granted the benefit under Exhibit-P2 Government Order. Petitioners now contend that by Exhibit-P3 which is an executive direction,the 2nd respondent has directed the subordinate authorities to ensure that the benefit of the Higher Grade and ASI (Grade) will be granted only to those who have completed 15/23 years service. Reference is made in Exhibit-P3 to orders stated to have been issued by this Court in W.P (C) Nos.25009, 26164, 28096 and 30559 of 2006.

2. Learned counsel for the petitioners Mr. Philip M.Varghese has produced before me today a copy of the order dated 15.12.2007 in W.P. (C) No.28096 of 2006. He contends

that the interim order passed by this Court is not correctly understood by the the 2nd respondent.

In my view, if the 2nd respondent while issuing Exhibit-P3 misunderstood the direction contained in Exhibit-P2 order issued by the Government, petitioners may approach the Government and point out the alleged mistake committed in adopting such a course of action. The petitioners may also produce the copies of the orders issued by this Court,which are referred to in Exhibit-P3.

In the circumstances, after hearing the learned Government Pleader also, this writ petition is disposed of permitting the petitioners to move the 1st respondent against Exhibit-P3 insofaras they are affected. If such a representation is filed within one month from today it shall be looked into by the Government and appropriate action may be taken, after hearing the petitioners, within two months thereafter.

(V.GIRI, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007